

REMARKS

With the entry of the present amendments, Claims 12, 17, 18, and 20-27 are pending in the application. Claims 1-11, 13-16, and 19 were previously canceled. New claims 26 and 27 have been added. Support for the new claims may be found throughout the specification including, but not limited to, FIGS. 2 and 3 and claim 1, as originally filed.

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Allowed Claim

Applicant directs the Examiner to an apparent mistake on the Office Action Summary, indicating claim 19 as pending and claim 18 as allowed. Applicant has previously cancelled claim 19. Based on the Examiner's remarks, Applicant understands that claim 20, not claim 18, is actually allowed.

Rejected Claims

The Examiner rejects claims 12, 17, 18, 21, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Barney (U.S. 343,688) in view of Parks (U.S. 4,538,430). In support of this rejection the Examiner acknowledges that the Barney does not teach a collar having a spacer, but alleges:

“It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the collar/ring taught by Barney with a spacer as taught by Parks to provide means to adjust the interior diameter or size of the ring/collar.”

Applicant respectfully traverses.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See, M.P.E.P. § 2143.) The combination of Barney and Parks fails to provide a *prima facie* case of obviousness because these references provide no motivation or suggestion to modify the napkin holder of Barney with the ring insert of Parks.

Fingers have a substantially finite diameter with little leeway for adjustment. For this reason, one might be motivated to use an insert of the type described by Parks to adjust a ring to fit a particular finger. In contrast, napkins are flexible articles, the dimensions of which are easily adjusted to fit the interior diameter of a napkin ring of the type described in Barney. Therefore, the motivation to provide an insert for a ring, as described by Parks, simply does not apply to a napkin holder, as described by Barney. For this reason, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness and respectfully requests that this rejection be withdrawn.

Regarding Claim 17 Applicant further notes that the Examiner has failed to identify (and Applicant has failed to locate) any disclosure in Barney or Parks that teaches or suggests a collar that “has an upper surface that includes at least one recessed area.” Therefore, the combination of Barney and Parks fails to teach every limitation of this claim. For this additional reason, Applicant respectfully requests that the rejection of Claim 17 be withdrawn.

Regarding Claim 23 Applicant further notes that the Examiner has failed to identify (and Applicant has failed to locate) any disclosure in Barney or Parks that teaches or suggests a collar having at least one spacer, “wherein the at least one spacer is spaced upwardly from the lower end of the collar.” Therefore, the combination of Barney and Parks fails to teach every limitation of this claim. For this additional reason, Applicant respectfully requests that the rejection of Claim 23 be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner

is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date August 15, 2006

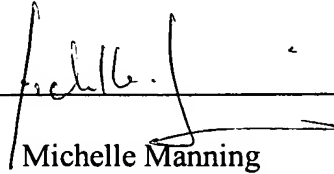
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By

A handwritten signature in black ink, appearing to read "Michelle Manning", is written over a horizontal line.

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